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Boerne, TX 78015

February 18, 2017

2017 FEB 2 PM 12:57

The Honorable Scott Pruitt

Administrator, Environmental Protection Agency

1200 Pennsylvania Avenue; Mail Code 1101A

Washington, DC 20460

EXECUTIVE SECRETARIAT

Dear Administrator Pruitt:

Congratulations on your appointment and confirmation!

The attached information shows how the **EPA/DOJ** has been harassing my brother, sister, me and our families for **10 ½ years**. **The EPA letter of June 9, 2006** completely shocked all of us, since the EPA had been thanking us for our cooperation over two years. Then they hit us over the head with this letter. Attorney's fees so far are almost \$75,000! My brother is (b) (6) years old, sister (b) (6), and I am (b) (6). We are all (b) (6) and (b) (6).

This is an unconscionable act by the EPA, who even brought in a DOJ trial attorney to further harass us. This attorney (Elliot Rockler) is now retired. **EPA Region III in Philadelphia** initiated the action. Lots of turnover there in 10 ½ years. **Now the case has been handed to Stacy D. Coleman; U.S. DOJ; Denver, CO 80202; Phone 303-844-7240.** Mr. Rockler initiated a **tolling agreement** to begin June 1, 2014 through December 31, 2014. There have been **FIVE extensions** to this agreement since then, **the last being for one year through January 31, 2017. We had no request to extend it until early am on January 31 – the last day.** Our attorney advised us to not do anything and wait to see if EPA/DOJ filed suit to make us sign. As of Friday, February 17, no suits that we know of have been filed. Ms Coleman did ask again for us to sign on February 2nd – two days past the end of the Statute of Limitations.

We have no idea what will happen now. We do not trust these bureaucrats at all. Even our very experienced environmental attorney, Randall Lutz of Saul Ewing LLP in Baltimore, is not sure of what they will do – and he is a former DOJ trial attorney himself.

We are asking your help on this. Innocent United States citizens should not be treated in this manner. We all just feel so helpless. In the interest of justice this case against us should be dropped.

Respectfully Yours,

(b) (6)

David F. Herron

Phone: (b) (6)

HOW THE FEDERAL GOVERNMENT IS BULLYING AND VICTIMIZING AN INNOCENT FAMILY

Our parents bought a farm near Elkton, MD in October, 1946, fourteen months after World War II was over. During the War, the farm was owned by Triumph Explosives, under contract with the Army and Navy to manufacture munitions. In the early 2000's, the Environmental Protection Agency (EPA) determined that a 55 acre section of the land contained buried munitions, probably from satellite imagery. Our parents had died by then, and we had formed a family limited liability company to help reduce estate taxes (named MARVA LLC). The EPA contacted me for permission to perform various tests to see what was underground. I gladly gave it to them, and developed a good point of contact with Ms Lorie Baker of the EPA Region 3's office in Philadelphia. In the meantime, my brother, sister, and I were trying to sell the farm. In 2004, our realtor found a buyer who was willing to purchase the farm with full knowledge of the EPA's work. The sale was completed in August, 2006. By then the EPA had determined that they would have to excavate and clean up the buried munitions.

Late Friday afternoon, June 9, 2006, the EPA was frantically trying to fax something to my office voice number. I called the number back that was on the caller ID, but got nothing. Finally they found the correct fax number and fax'd a 14 page demand for payment of **\$885,826.56!!** The reason given was that we were partially liable for the clean-up expenses under the CERCLA Superfund Act of 1980 **EVEN THOUGH NEITHER WE NOR OUR PARENTS HAD ANYTHING TO DO WITH BURYING THE MUNITIONS!!** So much for my cooperation over 3-4 years that the EPA had thanked me for! Since **someone** had to know these munitions were buried after August 15, 1945 (end of WW II), our family members were endangered for 60 years! This seems to have been a criminal act, as the EPA told us these buried munitions were extremely hazardous.

We were forced to retain an environmental attorney, Randall Lutz, in Baltimore at \$550/hour. He was in his (b) (6) s having spent most of his career in environmental law and told us he had never seen the EPA go after people such as us. My brother, sister, and I wrote our federally elected officials, who in turn wrote the EPA Region 3 Manager. The manager basically "blew them off." My sister and I wrote President Bush. In October, 2006, I got a phone call from Leo Mullin of the EPA. Mr. Mullin advised me that EPA Region 3 had received a letter from President Bush, and would like to meet with us and our attorney at a time and place of our convenience (no blowing off the President!). We arranged a meeting at our attorney's office in Baltimore for November 7, 2006. Mr. Mullin, Karen Melvin, the Associate Division Director, an On Site manager, and EPA's attorney attended (Ms Lorie Baker was on the agenda, but had "other commitments"- very strange). After four hours the meeting ended with Mr. Mullin

telling us he would send my brother, sister, and I some forms to fill out. Our attorney's fees for this total period were over \$30,000.

Well, **five years and three months later (2012)**, I get a certified package of forms from Mr. Mullin wanting them completed and returned within **ten days**. I immediately contacted our attorney, Mr. Lutz, who fortunately had not retired. Mr. Lutz negotiated another month to have the forms filled out, which included the past 5 years of our family LLC tax returns. This was another \$10,500 in attorney's fees.

Then after another **two years (2014)**, Mr. Lutz received a phone call from Elliot Rockler, a Department of Justice (DOJ) trial attorney. The main purpose was to make us sign a tolling agreement through December 31, 2014, since the statute of limitations was about to expire. Also included on the tolling agreement were **Honeywell and Mack Trucks!** Little MARVA was in stellar company! Mr. Rockler requested 5 years of MARVA LLC tax returns and had us fill out a financial form for MARVA LLC. Not much to fill out on it except on (b) (6)

In early December, Mr. Rockler requested **another** tolling agreement to be signed through June 30, 2015. He said he needed **updated** financial information from MARVA. I wrote Mr. Lutz a letter in very big letters stating that MARVA's financial information would just get smaller by the amount of attorney's fees and tax preparation. Not a whole lot to update. Then we got another demand to sign an extension through December 31, 2015. Then sometime in December we got a demand to sign **another** tolling agreement through **January 31, 2017! Over a year later!** This was our **Fifth extension**.

Toward the end of January, 2017, we anxiously awaited hearing from EPA/DOJ. Finally on the **last day, January 31, 2017**, Mr. Lutz received an email from a new EPA contact requesting another (sixth) extension through June 30, 2017. The contact, Stacy Coleman in Denver, also said she would need updated financial information from MARVA (the fourth request for this in 3 years even though we keep stating our finances are steadily decreasing by attorney fees) Mr. Lutz advised us not to sign and see if EPA/DOJ filed suit by the close of business.

Evidently they did not. Now Mr. Lutz is attempting to find out the exact date the six year Statute of Limitations began, so we can make a decision on signing for another 6 months. We certainly cannot afford to defend a lawsuit. To date we have spent almost **\$75,000 in attorney's fees.** (b) (6).

Our family farmed this land for **50 years!** No one told us we were in such serious danger from these explosives. **Now for over a DECADE EPA is trying to make us pay when according to them we were in grave danger due to neglect by someone in 1945!**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUN 9 2006

NOTICE OF POTENTIAL LIABILITY
EMERGENCY REMOVAL ACTION

URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

MARVA Limited Partnership
c/o Mr. David F. Herron
10821 NE Malaguena Lane
Albuquerque, NM 87111

Re: Elkton Farm Firehole Site
(Triumph Explosives Munitions Plant)
Formerly Used Defense Site

Dear Mr. Herron:

As you are aware, the Environmental Protection Agency ("EPA") is currently performing a removal of discarded military munitions and associated contaminants at your property off of Zeitler Lane in Elkton, Maryland—property which we refer to as the Elkton Farm Firehole Site ("Site"). EPA is conducting this work under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601 *et seq.* (also known as "Superfund"). EPA truly appreciates your cooperation in granting us access to your property and your continued support throughout our site assessment and removal activities. The removal is proceeding but has not yet been completed. During the course of the cleanup, we have been working with Windsor Management, Ltd., with whom EPA understands MARVA Limited Partnership ("MARVA") has entered into an agreement of sale for the property.

As part of any Superfund removal action, it is necessary for EPA to try to recover its costs associated with cleaning up the site. In order to do this, EPA must search to find all potentially responsible parties ("PRPs") that may be liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). By definition, a current owner of contaminated land is considered a PRP regardless of its involvement in the activities which caused the contamination. The purpose of this letter is to notify MARVA of its potential liability associated with this site as the current owner. (EPA recognizes that there may be other PRPs associated with this site, and EPA has or will approach these parties as well to the extent they are viable.)

This letter notifies you that MARVA may incur, or may have incurred, liability under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), with respect to the Elkton Farm Firehole Site.



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Further description of the Elkton Farm Firehole site is set forth below. This letter also notifies MARVA of potential response activities at the Site, which MARVA may be asked to help perform or pay for at a later date if EPA performs them.

Under CERCLA, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment at privately owned sites--that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that MARVA may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

THE ELKTON FARM FIREHOLE SITE

The Elkton Farm Firehole Site is located two miles northwest of Elkton, Maryland, south of Zeitler Road. The Site comprises approximately 30 acres located in the northwest corner of the "Little Elk Creek Area-Wide Cleanup Program Pilot Project" (description enclosed). During World War II the property included in the Little Elk Creek One Area-Wide One Cleanup Program Project was occupied by Triumph Explosives, Inc. ("Triumph"), a fireworks and munitions manufacturing facility. During the war, the Triumph plant made, *inter alia*, 40 mm shells and other munitions for the U.S. Army and/or Navy. During a four-month period bridging 1942 and 1943, the United States assumed direct control of the Triumph plant pursuant to an executive order. Throughout Triumph's operations, various wastes, including munitions residue, were disposed of at a series of shallow pits, which is now designated as the Elkton Farm Firehole Site. EPA has determined that an imminent and substantial endangerment to public health, welfare, and the environment is presented by these Discarded Military Munitions ("DMM").

Over the past 50 years, the Elkton Farm Firehole Site has been farmed by Mr. William Spry under a lease agreement with the property's owner. For the past seven years, the property has been owned by MARVA, Ltd. Throughout this time, Mr. Spry has cultivated two or three different types of agricultural crops per year, including wheat and corn. Based on observations made at the Site by EPA, as well as the Maryland Department of the Environment and the United States Army Corps of Engineers, the tilling and dragging processes associated with cultivating and harvesting crops appear to have scattered DMM at the surface throughout the property.

The Elkton Farm Firehole Site is further described as "Unit 2" in the enclosed "Site Fact Sheet Little Elk Creek."

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that MARVA may be liable under Section 107(a) of CERCLA with respect to the Elkton Farm Firehole Site as (1) a current owner or operator of the Site, (2) an owner or operator of the Site at the time hazardous substances were disposed; or (3) a person who arranged for disposal or treatment of hazardous substances at the Site. Specifically, in addition to being the current owner, it appears that MARVA was aware of the presence of DMM, and knowingly permitted Mr. Spry to scatter the DMM throughout the Elkton Farm Firehole Site.

Not True !!

SITE RESPONSE ACTIVITIES

To date, EPA and the Commonwealth of Maryland have taken response actions at the Site under the authority of the Superfund Program. Below is a brief description of some of the actions undertaken at the Site.

- The Maryland Department of the Environment has prepared a Site Inspection Report for the Elkton Farm Firehole Site, dated September 15, 2004, in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.
- Dynamac Corp. prepared a report for the Maryland Department of Environment regarding site operations, ownership history, and potential PRPs at the Site, dated November, 1992.
- MDE prepared an Expanded Site Inspection report in April 2005.
- EPA is conducting a removal action at the Site to eliminate the threat to human health and the environment posed by discarded military munitions and associated contaminants of concern.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to negotiate formally the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures because use of such procedures is not practicable or in the public interest, nor would use of such procedures facilitate an agreement or expedite remedial action. It is EPA's policy not to use the special notice procedures for removals unless there is a six-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action was less than six months, special notice procedures were not and will not be used. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium.

DEMAND FOR PAYMENT

EPA's unreimbursed response costs in connection with the Site are estimated at \$885,826.56 as of April 25, 2006. This statement of costs is preliminary and does not limit EPA from providing a revised figure if additional costs are identified or incurred. In accordance with Section 107(a) of CERCLA, 42 U.S.C. § 9607, demand is hereby made for payment of the above-stated sum, plus any and all interest recoverable under Section 107, or under any other provisions of law.

If additional funds are expended on the Site, whether EPA funds the entire response action or simply incurs costs by overseeing the parties conducting the response activities, MARVA is potentially liable for the expenditures plus interest.

Interest on past costs incurred shall accrue from the date of this demand for payment. Interest on future costs shall accrue from date of expenditure, pursuant to CERCLA Section 107(a), 42 U.S.C. § 9607(a). Interest rates are variable. The rate application on any unpaid amounts for any fiscal year is the same as is specified for interest on investments of the Hazardous Substance Superfund, which is determined by the Department of the Treasury.

EPA is not required by CERCLA to issue a written demand for recovery of prejudgment interest. However, the date a written demand is made may be used by a court in determining the date from which prejudgment interest begins to accrue.

Remittance must be made payable to the "U.S. EPA Hazardous Substance Fund" established pursuant to CERCLA in Title 26, Chapter 98 of the Internal Revenue Code, and must reference the Elkton Farm Firehole Site Spill Identification Number (MD-A3DH). Please send your remittance to:

U.S. EPA - Region III
Attn: Superfund Accounting
P.O. Box 360515
Pittsburgh, PA 15251-6515

Please send a copy of your payment to:

U.S. EPA - Region III
Leo J. Mullin (3HS62)
1650 Arch Street
Philadelphia, PA 19103-2029

*Mr. Mullin appeared to be the
"Paint Man" on this. We do
not think he is in Region III now.*

PRP RESPONSE AND EPA CONTACT

MARVA is encouraged to contact EPA in writing by June 29, 2006 to express its willingness or unwillingness to participate in future negotiations concerning this Site.

If MARVA is already involved in discussions with state or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, MARVA should not interpret this letter as advising or directing MARVA to restrict or to discontinue any such activities. MARVA should, however, report the status of those discussions or activities in its letter to EPA.

Charles E. Fitzsimmons, CHMM
On-Scene Coordinator
U.S. EPA - Region III
701 Mapes Rd.
Ft. Meade, MD 20755-5350
Tel: 410-305-3027 Fax: 410-305-3096

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb or may be available in hardcopy at specific locations. Additionally, information about EPA's ongoing Removal Action is available at www.epaosc.net/elktonfarmsfirehole.

Please give these matters immediate attention and consideration. If MARVA has any questions regarding the foregoing, please contact Charles Fitzsimmons at the address above, or Site Assessment Manager Lorie Baker at 215-814-3355, or MARVA may have its attorney contact Senior Assistant Regional Counsel Charles B. Howland at 215-814-2645. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Melvin". The signature is fluid and cursive, with the first name "Karen" written in a larger, more prominent script than the last name "Melvin".

Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures Little Elk Creek Area-Wide Cleanup Program Pilot Project
 Site Fact Sheet Little Elk Creek

cc: Lorie Baker (3HS12)
 Charles Fitzsimmons (3HS31)
 Charles B. Howland (3RC44)
 David Parrack, Esq.



Little Elk Creek Area-Wide One Cleanup Program Pilot Project Cecil County, Maryland

An underutilized industrial park located along the Little Elk Creek in Cecil County, Maryland has been selected as an Area-Wide Pilot Project under U.S. EPA's One Cleanup Program and Land Revitalization initiatives. The Little Elk Creek Pilot Project is an unique opportunity to address a widespread groundwater contamination problem stemming from multiple industrial sources within a geographic area. The surrounding area is a growing bedroom community for the cities of Philadelphia, Wilmington and Baltimore and development of the area, particularly residential development, is being hindered by the occurrence of groundwater contamination. The goal of the Little Elk Creek Pilot Project is to develop a collaborative, cross-programmatic approach to address the groundwater contamination problem and support development and reuse needs of the surrounding community.

Background

- The target area is the Triumph Industrial Park, which has both operating and closed facilities, and other properties surrounding it. Historically, the area was first used as a fireworks and munitions production facility supplying military ordnance for World War II. Since closure of the munitions plant following the war, other manufacturing and industrial users moved into the area. Dump sites and ordnance related materials have been found in portions of the project area. Several facilities are performing investigations and/or cleanups under EPA's or the State's Superfund and Resource Conservation and Recovery Act (RCRA) cleanup programs. The U.S. Army Corps of Engineers has identified portions of the target area as a Formerly Used Defense Site.
- Groundwater investigations show widely distributed volatile organic contamination throughout the pilot area.
- The industrial park is strategically located along the I-95 corridor, but underutilized due to unresolved contamination issues. The contamination is hampering the economic development of the region. Unemployment in this area is high and reuse of this industrial area would improve jobs opportunities for the community.
- Properties surrounding the industrial areas are also sought for residential growth. Better

understanding of the groundwater contamination in the area is needed to assist residential development efforts.

Project Partners

- EPA Region III
- U.S. Army Corps of Engineers
- National Oceanic & Atmospheric Administration (NOAA) Coastal Protection and Restoration Division
- Maryland Department of Environment
- Cecil County Health Department, Environmental Health Division
- Cecil County Office of Planning, Zoning, Parks & Recreation
- Cecil County Office of Economic Development
- Town of Elkton Planning Office.

Project Goals

- Creating a collaborative working environment between state and federal cleanup programs to address a widespread contamination problem affecting multiple properties.
Progress: Partnerships have been established at the federal, state and local levels.
- Synthesizing data analysis from different types of environmental studies and assessments to establish common cleanup goals and standards for all sites in the area.
Progress: Complete
- Investigating innovative approaches to address liability concerns across a multi-site area.
- Prioritizing cleanup activities to meet the community's needs for reuse of the area.
- Establishing short and long term measures of success.
- Creating a webpage to showcase progress.
Progress: Complete

Key Activities

- A planning meeting between EPA and MDE project managers to identify goals and objectives, measures of success, activities and needed resources was held on January 28, 2004.
- Develop an action plan with short term and long term objectives for the pilot project by

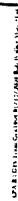
March 31, 2004.

- Analyze data from site investigations to identify cross contamination issues and to develop understanding of the overall groundwater contamination problem facing the geographic area.
- Engage the local community in the cleanup and redevelopment process to assure that community needs are met. Identify community groups, including development and industrial interests, and solicit their input into the goals of the project and the action plan.
- Investigate development opportunities for the area and identify ways to foster reuse for the community.

For More Information, Contact:

Kristeen Gaffney
U.S. Environmental Protection Agency
Philadelphia, PA
215-814-2092
gaffney.kristeen@epa.gov

Jim Carroll
Maryland Department of Environment
Baltimore, MD
410-537-3459
kkalbacher@mde.state.md.us



Site Fact Sheet
Little Elk Creek
Area-Wide One Cleanup Program Pilot Project
Elkton Farm
Zeitler Road
Elkton, MD 21921

Property Description

The Elkton Farm site is located two miles northwest of Elkton, Maryland near the intersection of Routes 40 and 279.

Property History

Throughout most of its history, the Elkton Farm site has been used as a livestock farm with much of the surrounding fields under cultivation. Triumph Explosives, Incorporated (TEI) purchased the Elkton Farm property in the early 1940s. TEI used an area known as the "Firehole" for the disposal of waste explosives materials generated by the operations at TEI.

TEI reportedly collected waste material from the manufacture of explosive ordinance and placed it in drums. This accumulated waste was kept wetted with alcohol or ether to prevent spontaneous combustion, and then carried to a shallow pit off Zeitler Road, spread thinly, and allowed to burn. Plant personnel monitored the burn until the waste explosive was consumed. Photographs in the TEI newsletter from the 1940s show the operation of the Firehole burn pit but the exact location of the pits was unknown.

An underutilized industrial park located along the Little Elk Creek in Cecil County, Maryland has been selected as an Area-Wide Pilot Project under U.S. EPA's One Cleanup Program and Land Revitalization initiatives. The goals of the Little Elk Creek Pilot Project is to address a widespread groundwater contamination problem stemming from multiple industrial sources within a geographic area and support development and reuse needs of the surrounding community.

The current owners, the Herron Family/MARVA Ltd. Partnership, acquired the property in 1948. In the late 1950s and early 1960s, the Thiokol Corporation leased a one acre plot of the property for a rocket motor cleaning and recovery area. In the early 1980s wastes from the Galaxy Chemical plant were disposed and/or stored on the farm. The farm property is currently leased to a commercial farming operation that rotates seasonal crops through the fields.

Environmental Investigations

For investigative purposes, the Elkton Farm property has been divided into four hazardous waste disposal areas:

UNIT ONE

Unit One comprises two areas of the farm that were used by a property owner for the storage of hazardous waste, including drums of ash produced from the Thiokol area (Unit 3), ordnance debris from the TEI operation and drums of waste from Galaxy Chemical. In the early 1980s, the owner of the farm attempted to dispose of 53 drums of hazardous waste from Galaxy Chemical, a nearby solvent recycler, at Norris Farm Landfill in Baltimore County, Maryland. Norris Farm Landfill refused to accept the waste and Galaxy refused to take the waste back. Consequently, the owner of Elkton Farm stored the drums in the two farm buildings until he reported them to MDE almost ten years later. A Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) removal action was completed at Unit One in 1992, which resulted in the removal of drums containing flammable organic compounds, base neutral compounds, halogenated organic compounds, drums of solids, and 10 tons of contaminated soil.

UNIT TWO

Unit Two is the World War II era waste ordnance combustion pit known as the "Firehole," which was used by TEI during the 1940s. Other than it being identified as located on the Elkton Farm property, the exact location of the firehole was not known.

In May 2002, MDE contracted NAEVA Geophysics, Inc. to conduct a geophysical survey of the suspected area of the Firehole. The survey indicated several distinct anomalies on the portion of the property east of Laurel Run and south of Zeitler Road. Observations indicate that the Firehole is not one discrete area but rather a series of burn pits located across the property.

In October 2002 and May 2003, MDE performed a site investigation of this property under the PA/SI Cooperative Agreement with EPA. Results of the investigation indicate explosives in surface and subsurface soils, elevated levels of lead, mercury, and PCBs in the Firehole and trichloroethene in the groundwater.

In December 2004 and January 2005, MDE conducted further investigation of this unit by using a remote geoprobe to collect subsurface samples in the suspected burn pits. Elevated concentrations of explosives and inorganics were found in the burn pits.

UNIT THREE

Unit 3 is a 1-acre plot of land leased by the Thiokol Corporation in the late 1950s and early 1960. (Unit Three overlays a component of Unit Two.) The abandoned structures for this test area are located on the west side of the property. Thiokol Corporation constructed several small buildings, undefined underground structures, and a network of steel gantries. The facility was used to combust residual fuel and clean rocket motors for

reuse until an explosion led to the site's abandonment.

In May and June of 2003, MDE performed a site investigation of this property under the PA/SI Cooperative Agreement with EPA. Results of the investigation indicate explosive compound in the surface and subsurface soils and perchlorate in the subsurface soils on this site.

In July of 2005, ATK (formerly Morton Thiokol), conducted a voluntary removal of the structures, both aboveground and belowground on this one acre parcel.

UNIT FOUR

Unit Four is a 55-acre parcel on the farm that was reportedly impacted by disposal on adjacent lands or used in the past to store or dispose of waste organic solvents. A plume of groundwater contamination had been documented immediately south of Unit 4 in the GE Rail Car property and appeared to be coming from this property.

In June and July of 2003, MDE performed a site investigation of this property under the PA/SI Cooperative Agreement with EPA. Results of the investigation indicate an impact to groundwater in the vicinity of Unit 4; however, it does not appear that the contamination is coming from Unit 4.

Contaminants

Chlorinated solvents have been found in groundwater; Explosives, perchlorate, lead, mercury, and PCBs have been detected in onsite surface and subsurface soils.

Cleanup and Next Steps

EPA has initiated a removal action at Units 2 and 3, the Firehole area. EPA has contracted the US Army Corps of Engineers to perform the removal which will occur in two phases. The first phase, which began in February 2006, will consist of removing the Munitions of Explosive Concern (MEC) at the surface. The second phase will consist of excavating and removing the MEC from the fireholes.

Lead Agency and Contacts

MDE is the lead agency and has requested EPA assistance to perform the removal action.

EPA Contact

Ms. Lorie Baker - 3HS12

US Environmental Protection Agency - Region III

1650 Arch Street

Philadelphia, PA 19103-2029

Phone: (215) 814-3355

Email: baker.lorie@epa.gov

State Contact

Mr. Arthur O'Connell

Maryland Department of the Environment

1800 Washington Blvd., Suite 645

Baltimore, MD 21230-1719

Phone: (410) 537-3400

Email: aoconnell@mde.state.md.us

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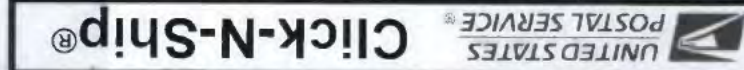
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ADMINISTRATOR EPA
1200 PENNSYLVANIA AVE NW
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WASHINGTON DC 20460-0001

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To: Pruitt, Scott

Electronic Rate Approved #0385557 Mailstop ARN

Department: 1101A

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Route

Mon Feb 27 10:46:52 EST 2017
Pruitt.Scott@epamail.epa.gov
Fw: EPA Should Investigate PG&E
To: CMS.OEX@epamail.epa.gov

From: will rogers (b) (6)
Sent: Saturday, February 25, 2017 1:41 PM
To: Pruitt, Scott
Subject: EPA Should Investigate PG&E

Dear Mr. Pruitt,

I recently read several articles regarding the Democrats and even EPA Officials attacking you which is very hypocritical because they have been involved with some the stuff they have been attacking you over like Conflicts of Interest, not enforcing regulations against companies linked to them and etc.

Is amazing they attack you over WOTUS because I have several examples in the past 15 years where they ignored and/or authored false / misleading reports regarding our neighbor illegally discharging waste and ash in fields / locations that discharge into local drainage ditches with eventual drain into the Feather River, Sacramento River and San Fransisco Bay.

I have reports, documents, witnesses, articles, videos and photographs that help prove it.

Most incidents the practices are not linked to big oil, gas and coal but to Green Energy and Organic Farming which is suppose to be reduce pollution and greenhouse gases to fight Global Warming / Climate Change.

Your staff needs to do some research on the PG&E San Bruno Pipeline Explosions and Aftermath and all the people that died, injured and property damage and how PG&E lied to regulators and investigators and bribed a judge closely linked to Gov. Brown and several former PG&E executives were / are on Gov. Brown's staff. You hear very little about it on the mainstream / fake news media.

PG&E has given a lot of money to Gov. Brown and the Democrats and were actually involved in the death, injuries and property damage of hundreds of people but almost nothing is said by the national fake news media about it but then they attack you and President Trump with Fake News.

Because of the San Bruno pipeline explosions, aftermath and public pressure PG&E had to repair several of their pipelines across the state including several in our area in 2014 and 2016 in which they conducted dewatering operation pumping water out of the ground because our water tables are so high which contradicts some of what DWR and other California Water Agencies have been stating so they could put more restrictions and regulations on us.

It appears to use that PG&E submitted false / misleading documents claiming the water was going to be used as irrigation supply to farmland so they could get around local zoning ordinances designed to protect farmers and farmland. If you closely examine the time of the year and other practices they were employing it becomes pretty obvious that the water was not actually a irrigation supply but just a way to discharge and get rid of their waste water in which some appears to be contaminated.

Our neighbor and his family are very Conservatives and Republican like us but he witnessed and photographed what appears to be a PG&E facility leaking, spilling and discharging into the local drainage ditch. He heard and witnessed at night activities which made him strongly suspect they were also discharging into the ditch at night and there was erosion in the ditch which appears to be cause by direct pressure out of a 3 to 4 inch hose which is the size they were using at this location and other locations.

We submitted complaints to Sutter County, Sutter County Grand Jury, Regional Water Board and State Water SWRCB Special Investigation Unit which did a horrible job in investigating and writing a report.

Sutter County did issue a violation to the property owner after I submitted a complaint with evidence so there was enough evidence that there was a discharge but then they retracted it after SWRCB Investigated and wrote a report.

SWRCB gave PG&E time to clean up, conduct maintenance and repairs and add straw waddle to the facility before he even visited our area on April 15, 2016. When he did visit our area April 15, 2016 he didn't even closely inspect the facility even though their was evidence of a leak, spill and discharge.

SWRCB failed to examine the logs / manifest and documents to conclude if more waste water came in than went out which could have helped prove if there was a discharge or not.

Then he gave PG&E time to completely remove the waste water and facility before he inspected the site so basically he allowed them to remove evidence and basically clean up the crime scene.

PG&E, its contractors and Melvin Morris the owner of the property made contradicting and false / misleading statements which SWRCB failed to investigate further and failed to provide evidence that the statements were false / misleading evidence.

Example: They are claiming the water in Rick's photos is from a storm event after approximately 2 weeks of dry weather which is obvious not true because according to Gov. Brown. DWR, Regional Water Board and SWRCB we have been in an extreme drought for at least 2 years so storm water is not going to stay ponded or standing after approximately 2 weeks during extreme drought conditions.

SWRCB made obviously false / misleading statements in the report which were obvious meant to discredit me.

At least 3 of the Regional Water Board Officials (Brendan Kenny, Wendy Wyels and Pamela Creedon) who worked on the PG&E NOI and approved it were very aware of the owner Melvin Morris' long history with the Regional Boards, ignoring violations and violating regulations including illegally discharging waste at this very location.

I am not sure why it wasn't properly investigated and reported on but I suspect it may be because they facility / discharge should have never been approved on Morris Property because of his long history including at this very location or because of PG&E close ties to Gov. Brown, his staff and other California Agencies.

EPA Region 9 have also been aware of problems at this location and with the owner illegally discharging waste at other location but largely ignored it.

If they really believe man-made Global Warming / Climate Change is real then why did they stage the discharge facility so far away from the wells and tanks so it had to be trucked with trucks burning fossil fuels which they say are causing Global Warming / Climate Change ?

So basically what they have been accusing you of they have been doing themselves.

There is some major problems with the integrity of Cal/EPA, DWR, Regional Water Board and SWRCB because they don't have a problem with authoring false / misleading reports and holding their employees accountable for authoring false / misleading reports.

This is in the Oroville Dam evacuation zone.

Will you please help ?

Sincerely- Will Rogers, Live Oak, Sutter County CA. Ph# (b) (6)

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United States Environmental Protection Agency

Enforcement

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Report an Environmental Violation - Information submitted

Thank you for submitting information on a possible environmental violation. The information will be reviewed by EPA enforcement personnel.

This notice will be the only response you will receive regarding your submission. Due to the sensitive manner in which enforcement information must be managed by EPA, **we can not provide status reports or updates regarding any submission** we receive through the Report an Environmental Violation form.

[Back to Report an Environmental Violation page](#)

Your Name:	William Rogers
Your Email:	(b) (6)
Your Address:	(b) (6)
Your City:	Live Oak
Your State:	California
Your Zip:	95953
Your Phone:	(b) (6)
Suspected Violation Date:	04/04/2016

Suspected Violator Name:	PG&E
Suspected Violator Address:	6111 Bollinger Canyon Rd 3130G
Suspected Violator City:	San Ramon
Suspected Violator State:	California
Suspected Violator Zip:	94583
Still Occurring:	no
Notified State DEP/DEQ/DEM:	yes
Department Contact:	Bryan Elders
Characterized incident as:	
Intent:	Unknown
Type:	Spill
Media:	Land
Media:	Water
Media:	Documents
Entity:	Company

Description of incident or hazard:

Our neighbor Melvin Morris has a long history with the Regional Water Board , violating regulations and illegally discharging ash, liquid waste and solid waste including at the very location which I am writing about. I have well documents his activities with reports, documents, videos and photos. In 2005 he was busted by the Regional Water Board and put on a MRP but failed to complete over 40+ MRP Reports but the Regional Water Board only gave him a single violation even though he was just prosecuted in Butte County for illegally discharging waste and ash and was on a 5 year injunction. The Butte County Deputy DA Hal Thomas used material / evidence that I provided to encourage Morris into a plea deal. Fast forward to 2016 when the Regional Water Board approved a PG&E R-502 NOI facility / discharge on Morris Property which is the same location he illegally discharged waste in 2004 -2005 and failed to complete over 40+ MRPs for and discharged and stored the same type waste again in 2009. The Regional Board officials who worked on the PG&E NOI were very aware of Morris long history including at this very site and one even authored a false / misleading report in 2009 regarding drainage because he did not mention the property drains to the south and wash water and drainage was draining to our property and contaminating it. We noticed that PG&E claimed their water was going to be used as irrigation supply which does not appear to be true and meant to get around regulations, applications, permits and fees. It appears to us and neighbors that PG&E facility leaked, spilled and discharged and that they discharged into the drainage ditch so I contacted PG&E and Rhonda Shiffman said PG&E was going to offer compensation until but I said that I would still go to the Water Board and her attitude changed. It appears to us that PG&E, its contractors and Melvin Morris made false / misleading statements including basically claiming that ponded water in the photos taken approximately April 4, 2016 was from s storm event approximately 2 weeks prior during extreme drought conditions. I took photos of several of their other facilities which also had evidence of leaks, spills and discharges. The SWRCB Investigator basically botched the investigation because he allowed the waste water and facility to be removed before inspecting it and he failed to include photos in his report that helps prove that storm water doesn't stay ponded at this location after

	<p>approximately a week of dry weather in extreme drought conditions. He also failed to examine the logs, manifest and documents that would indicate if more waste water came in than went out which would indicate there was a discharge at this location. The SWRCB Investigator also made false statements in his report which I can prove with his emails. The false statements were meant to discredit me. The PG&E NOIs list the exact location the water was to be disposed of and states its prohibited to dispose of it at another location but they were disposing of it at another located not listed in the NOIs. There has basically been discharges and waste being dumped at the Krehe Rd location for the past 30+ and I have been documenting it since 2005. I just recently also wrote Senator Feinstein requesting her help because we believe and former Butte County Deputy DA Robert MacKenzie believed some of the incidents have not been properly investigated and handled.</p>
Specific Directions:	Approximately 1/4 miles north on Krehe Rd Live Oak , CA. 95953 from the corner of Pennington Rd and Krehe Rd.

Contact Us to ask a question, provide feedback, or report a problem.









February 24, 2017

Mr. Scott Pruitt, Administrator
Environmental Protection Agency
Attn: Ms. Kimberley DePaul, Acting Director
Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Ariel Rios Bldg. Room 6144
12th St. and Pennsylvania Ave, N.W.
Washington, DC 20004

Re: Annual Report
Eurecat U.S. Incorporated
13100 Baypark Road
Pasadena, TX 77507
EPA ID No.: TXD106829963

Dear Sir:

Eurecat U.S. Incorporated acted as a primary exporter in 2016 which is the period covered in this letter. This letter is offered to satisfy the Annual Report requirement applicable to primary exporters in accordance with Title 40 Code of Federal Regulations §262.87 Annual Reports. Eurecat shipped hazardous waste to the following consignee/final recovery facility:

Eurecat France SAS
Quai Jean Jaures – BP No. 45
07800 La Voulte-sur-Rhone, France

EURECAT U.S. INCORPORATED

13100 Baypark Rd.
Pasadena, TX 77507
Phone: 281.474.3076
www.eurecat.com

Information requested from §262.56 (a)(4)

Eurecat France SAS-

SPENT CATALYST CONTAINING Ni, NiW, NiCoMo, Cu/Zn, Cu, Pt, and Pd (EPA hazardous waste numbers K171) FOR VALORIZATION, DOT Hazard Class: 4.2, Name: Waste Self-heating solid, inorganic, n.o.s., Transporter ID: TXR000018317, Total Amount of Waste Shipped: 166,325 lbs in one shipment relative to our single notification, EPA Notice ID: 012579/7E/15. This waste was exported for metals reclamation.

40 CFR §262.87 (5)(i) and (ii),

The volume and toxicity of waste managed and generated by Eurecat U.S. Incorporated is a direct relationship with the volume and toxicity of the waste sent to Eurecat as a commercial waste management facility. This is documented in our most current annual Source Reduction and Waste Minimization Plan and Annual Report acknowledged by Texas Commission on Environmental Quality on March 7, 2016. As explained in our Source Reduction and Waste Minimization Plan and annual updates, as a recycling facility the amount of hazardous waste Eurecat generates is a direct function of the amount of industrial and hazardous waste Eurecats' customers send to us to process. On average, we generate as new waste from our material processing, approximately 2%-5% of the total wastes received. We return the remainder to the market as mostly recycled product. Materials that are not deemed suitable for regeneration after Eurecat's on-site evaluation but are recyclable materials may be managed as wastes for further reclamation. Eurecat only generates and stores hazardous and nonhazardous waste. Eurecat does not treat or dispose of any wastes on site. Eurecat has been receiving the same types of spent catalyst wastes since its inception in 1984.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

Sincerely,

Eurecat U.S. Incorporated



Burch Estes, on behalf of primary exporter

HSE Director

Cc: Executive Director, Texas Commission on Environmental Quality,

EURECAT U.S. INCORPORATED

13100 Baypark Rd
Pasadena, TX 77507
Phone 281 474 3076
www.eurecat.com



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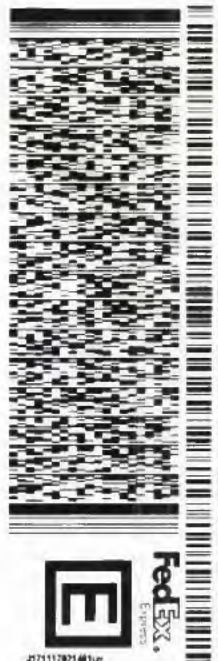
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PRIORITY OVERNIGHTTO SCOTT PRUITT, ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY
12TH STREET & PENNSYLVANIA AVE, NW
ARIEL RIOS BLDG, ROOM 6114
WASHINGTON DC 20004
(202) 564-4700
REF: EPA ANNUAL REPORT
PC

546J1133885301

ORIGIN ID: HRYA (281) 474-3076
KAREN HENDRICKSON
13100 BAY PARK ROAD
PASADENA, TX 77507
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John A Brewer Jr.

(b) (6)

Crab Orchard, WV 25827

(b) (6)

February 02, 2017

Scott Pruitt

1200 Pennsylvania Ave, NW

Washington, DC 20460

Dear Mr. Pruitt:

I am sure that you receive many letters like this one. I am begging that you take the time to read this one though. If nothing can be done to change the outcome of this case, I am hopeful that something can and will be done to keep this from happening in the future to more people.

Let me start by saying that the judicial system does not work the way most, including myself, thinks that it does. This is the first time that anyone that I know has had any issues with the system. It is not only political, but puts the middle class at a great disadvantage.

My father, John Alan Brewer Sr., was just sentenced to serve two years in federal prison. This is due to the unethical practice of "stacking charges". We were not able to pay for a full defense, so he took a plea deal instead of gambling with his life with a court appointed attorney. Two of the prosecutors in this case, Mr. Larry Ellis and Mrs. Blaire Malkin, were willing to charge him with a misdemeanor and fine his employer, but the third, an EPA lawyer, Mr. Perry McDaniel, would not agree to it. Mr. Ellis and Mrs. Malkin, abruptly resigned and retired. Mr. Ellis and Mrs. Malkin didn't want to see an innocent man in prison, but agreed that the lab itself should be fined. Mr. McDaniel was more concerned about wins and losses, politics, and public appearance, than justice. He, like the others, were given the attached polygraph, and would not issue one of their own because, according to them, they felt he would pass it.

Because there is no oversight in a Grand Jury testimony, on more than one occasion, they had to "correct" their witnesses to say the correct name. The ones who testified were given immunity, although they were on wire wore by an informant that was also committing the crime. My father was on wire also, but every time, was giving the correct instructions to the employees, so those tapes were never introduced.

I believe there should be some oversight and repercussions for leading and providing misleading evidence at a grand jury hearing. I feel there also should be some inclusion from the trial judge in the plea bargaining stages. The judge should be able to see and hear the evidence the government has, as I feel that will give the judge a better understanding of the case for sentencing, not just looking at the point system that plea adds up to. My father's lawyer even made the comment that any other judge would not have let this go to trial, but the Honorable Irene Berger, is very political and was appointed by Obama. You can look at her record on environmental issues and it will speak for itself.

When this first started, I told my dad to hold his head high and trust the system. But now that I have been on the inside of some of this, it is very clear that the system is broke, not just fractured. The

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government stacks charges and puts a large amount of time against the individual, they force them to a plea. The stats say that 93 to 96% of federal cases end in a plea, and I now know why. Unfortunately, guilt or innocence doesn't matter as much as the lawyer's record and them moving their political agenda forward.

I am hoping that something can be done to keep the innocent out of prison and from taking pleas due to the act of stacking charges and lack of money to fight them. There must be some oversight in the grand jury and the plea bargaining processes. The prosecutors have a large amount of power, which I believe is meant to be in the courts, not the lawyer's possession.

I know that a pardon is out of reach. I will ask though, that he be considered for one. The other item I would like to ask, is that non violent offenders not have to surrender their second amendment rights.

My father's attorney, John Wooten, who after my dad's employer told him he wasn't going to get paid, kept representing my dad for free. He said that he was the perfect client, he is innocent, doesn't do drugs, and don't drink. Come to find out, that doesn't matter to the courts. Of course if he was a drug addict or alcoholic, he could almost get his time cut in half by using the RDAP program. Since he has no addictions, he will serve his full sentence. Doesn't make much sense that people with drug or alcohol issues have an advantage over someone who does not. I am hoping that at least one public official or news media out of the several I am sending this to, will take the time to read this and do their part to correct a great injustice and at the very least, keep this from happening to others in the future.

Sincerely,

John A. Brewer Jr.

POLYGRAPH REPORT

SUBJECT: John Alan Brewer
DATE: October 7, 2014
LOCATION: Wooton Law Office
EXAMINER: E. Dean Capehart

On 10/7/14, the subject, John Alan Brewer, was interviewed and examined concerning the possible improper handling of water samples at Appalachian Laboratories, Inc.. The subject was informed of the nature of the examination and voluntarily agreed to the process. The subject advised that last year he had been approached by the FBI and questioned concerning mine water sampling. He was advised by his attorney, after being informed that the investigation could lead to criminal charges, not to be interviewed. He stated he had heard nothing else of the matter until a couple weeks ago when his attorney advised him the investigation was still ongoing. He was informed that the investigation apparently surrounded his lab's testing of mine water samples, specifically the icing of samples, improper digestion of samples and dilution of samples. The subject stated he was the Lab Manager and over saw the daily operation of the lab. He did not personally observe all actions, collecting or testing, but would address any problems which arose. He stated that to the best of his knowledge all field and lab workers were doing collection and testing properly. When rumors about improper testing arose in the past, he investigated but found no evidence to substantiate the rumors. He would emphasize the importance of proper handling and testing, even to the point of putting up signs. The subject specifically stated that he had never knowingly collected or tested a water sample improperly nor did he have any personal knowledge of a sample being collected or tested improperly.

The subject was examined with the following relevant questions;

Did you ever collect or test a water sample improperly?(No)
Did you ever direct someone to collect or test a water sample improperly?(No)
Do you have any personal knowledge of a water sample being tested improperly?(No)

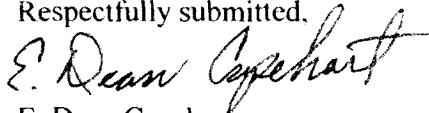
The questions were previewed with the subject prior to the examination. He understood that the questions relating to testing and collecting of samples referred to the proper icing, digestion and not improperly diluting the sample.

After careful review of the subject's polygrams, no specific reactions were noted which would indicate deception concerning the relevant issue. It is the opinion of this examiner that the subject was truthful when stating he did not collect or test the samples improperly nor did he direct any other person to do so.

This examiner was trained by an American Polygraph Assoc. accredited school in November of 1991. Since that time the examiner conducted examinations for the West Virginia State Police

until retirement in 2002, being assigned as a full time examiner for a period of 9 years. Following retirement, the examiner has continued performing examinations in the private sector and has been recognized as an expert witness in the West Virginia Circuit Court. The examiner is a full member of the APA and is licensed with the State of West Virginia. The examination was conducted according to accepted standards on an Axciton computerized polygraph instrument utilizing current techniques.

Respectfully submitted,



E. Dean Capehart

John A Brewer Jr.

(b)(6)

Crab Orchard, WV 25827



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NOA 63



Environmental Protection Agency
C/O Mr. Scott Pruitt
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